

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING

DRAFT MINUTES – SUBJECT TO COMMISSION APPROVAL

THURSDAY, SEPTEMBER 1, 2016 – 7:00 P.M.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

1. Call to Order & Pledge of Allegiance
Chairman Duren called the meeting to order at 7:00PM.
2. Roll Call
Secretary Falk took the roll and present were Chairman Charles Duren, and Commissioners Elizabeth Ballard, Alan Drinan, Charles Ladd, Peter Falk, Mary Scutt, Nicles Lefakis, and Alternate Commissioners Linda DeGray and Richard Szewczak.
Also present were Roger J. O'Brien, Planning Director; Jennifer Pacacha, Assistant Town Planner; and Rick Rachele, Code Inspector.
3. Approval of Minutes – August 11, 2016 - Special meeting
Commissioner Scutt noted that on page 24 of the minutes from the August 11, 2016 special meeting, the word "to" was missing from a sentence.
Commissioner Ladd made a motion, seconded by Commissioner Drinan, to approve the minutes as amended. The motion passed with a 4-0-3 vote, with Chairman Duren and Commissioners Drinan and Lefakis abstaining as they were absent from the special meeting.
4. Zoning Enforcement Officer's Report (in writing)
Commissioner Ladd stated that paving was supposed to begin in the first week of September at the Yardhouse, but it hasn't. He inquired as to the status of that project.

Mr. Rachele stated that the paving was moved back until after the holiday.
5. New Public Hearings(s)
 - a. PH# 2844 - Special Use Permit for proposed outdoor dining located at 54 Hazard Avenue; BR (Business Regional) Zone; Map 056/Lot 0026; Enfield Station, LLC, owner; Mohegan Enfield (sm), LLC (d.b.a. Smashburger), applicant. (DoR: 7/7/2016; MOPH: 9/10/2016)

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Date of Receipt (DoR) = Next scheduled meeting OR 35 days, whichever is sooner.

Mandatory Open Public Hearing Date (MOPH) = 65 days from Date of Receipt.

Mandatory Close Public Hearing Date (MCPH) = 35 days after opening hearing.

Mandatory Decision Date (MD) = 65 days after closing public hearing. If no Public Hearing = Decision within 65 days of DoR.

Secretary Falk read the legal notice and took the roll. Present were Chairman Duren, Commissioners Ballard, Drinan, Falk, Lefakis, Ladd, Scutt, DeGray, and Szewczak.

Mr. David Atkinson, the Vice President of Real Estate and Construction from Mohegan Enfield (sm), LLC addressed the Commission stating that the company had received a building permit to renovate the former Sweet Frog Yogurt shop. They would also like to put in a 24' by 13' patio. He also stated that bollards would be placed along the patio due to proximity to the driveway and that the bollards would be concrete filled and painted black to match the fence. They would also be six inches in diameter. He then explained that the furniture on the patio would all be metal and that the umbrellas would be held down by weighted stands. The furniture would also be stored off site.

Commissioner Ladd asked that the bollards be 10 inches in diameter.

Mr. Atkinson stated that they put bollards in at other locations for Smashburger restaurants and they worked well. He also stated that he can show the Commission where the bollards are on the new map.

Commissioner Drinan stated that he would like to see their location on the map.

Mr. Atkinson presented the Commission with the new plan and explained that the bollards would be about six feet apart.

Commissioner Ladd asked whether one of the windows would be turned into a door.

Mr. Atkinson stated that one of the windows would be turned into a door.

Commissioner Drinan stated that he was glad to see the furniture will be stored, but wanted to know where it would be stored.

Mr. Atkinson stated that it will be stored somewhere off-site in a location to be determined. There is no space on site to store the furniture.

Commissioner Drinan asked what the plans for the pad of the patio were.

Mr. Atkinson stated that it will be made of pervious pavers as shown on the plans.

Commissioner Drinan asked what the dumpster that is currently on-site is for.

Mr. Atkinson stated that he didn't know there was one on site, but if there is one, then it is probably for construction because they did just receive their Building Permit.

Commissioner Drinan stated that he had driven by there tonight and seen the dumpster.

Mr. Atkinson stated that it will probably be there until construction ends.

Commissioner Falk noted that in the Draft Resolution for Commission Consideration, there is no drawing date, and because the Commission is receiving revised plans, the date is changing. He also asked what the date and the revised date was for the drawings they were approving with the bollards.

Commissioner Duren stated the change in bollard size would need to be made a condition as well.

Commissioner Falk stated that we have the bollard size going from 5 inches to 10 inches.

Commissioner Duren stated that the furniture being taken in from the patio in the off season should also be a condition.

Mr. O'Brien stated that the Staff Report dated today shows the drawings being dated 8/22/2016 and the supplemental drawings being dated 8/24/2016.

Chairman Duren closed PH# 2844.

Commissioner Falk made a motion, seconded by Commissioner Drinan, to approve PH# 2844 with 18 conditions. The motion passed with a 7-0-0 vote.

Site specific conditions (to be met prior to signing plans):

1. The bollards along the patio must be 10-inches in diameter.
2. The owner must remove and store all patio furniture in the off-season.
3. The drawings that are approved for the special permit are the ones dated 8/22/2016 and supplemented by the drawings dated 8/24/2016, which were received at the 9/1/2016 Planning and Zoning Commission regular meeting.
4. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
5. The application number PH# 2844 shall be displayed on the plans in or near the Title Block area.
6. A copy of the approval letter and conditions shall be made part of the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
7. A list outlining how any conditions of approval have been met shall be submitted along with final plans submitted for signature.
8. Four sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.

Applicant will submit:

9. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.

Standard Conditions:

10. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.
11. This approval is for the specific uses, site, and structures identified in the application. Any change in the nature of the uses, site, or the structures will require new approvals from the Enfield Planning and Zoning Commission.
12. This project shall be constructed and maintained in accordance with the referenced plans.
13. This approval does not include signage.
14. A building permit for the construction of facilities as approved must be obtained by September 1, 2017 or this approval shall be rendered null and void, unless an extension is granted by the Commission.

15. All construction authorized by this approval shall be completed by September 1, 2021 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
16. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

17. No Certificate of Occupancy or other final approval may be issued until the Planning office has signed off on the final work.
18. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

- b. PH# 2846 - Special Use Permit for a Café/Bakery shop with drive thru located at 2 Enfield Street; BL(Business Local) Zone; Map 035/Lot 0109; The Pride Limited Partnership, owner/applicant. (DoR: 7/21/2016; MOPH: 9/24/2016)

Commissioner Falk read the legal notice and took the roll. Present were Chairman Duren and Commissioners Ballard, Drinan, Falk, Lefakis, Ladd, Scutt, DeGray, and Szewczak.

Mr. Bob Bolduc, the founder of Pride, introduced Ms. Juliet Locke who is the Principal Traffic Engineer from VHB. He also pointed out that they did meet with the Longmeadow Planning Department informally about three weeks ago to discuss this project, but they have not made an official presentation to them yet. This project was in the works first, and Mr. Bolduc and VHB plan to continue to work with Longmeadow in the future.

Mr. O'Brien asked whether the drawings that were being presented were the same ones that were received by the Planning Office.

Ms. Locke stated that they were, and that they were stamped and reflect some changes after initial comments. She then introduced herself as a Transportation Engineer with VHB, which is located at 1 Federal Street in Springfield, MA. She stated that she is a registered Professional Engineer in both Massachusetts and Connecticut, and is a registered Professional Traffic Engineer. John Furman is the

Site Engineer of record and he would be arriving soon. She then began to present the plans. She started with the survey of the existing site at the corner of Connecticut Avenue and Enfield Street. There is currently a home and a small commercial development currently on site, both of which are unoccupied. The proposed site would consolidate the driveways as shown on the Layout and Materials Plan. Proposed on site is a 12,156 square foot bakery and café to be known as Pride Bakery and Cafe. The driveways along Connecticut Avenue would be closed and the one driveway on Enfield Street would be shifted slightly to the northeast in order to keep it away from existing intersections. There is a proposed drive thru going counterclockwise around the building. There are also 18 parking spaces proposed on site. She then moved on to the "Grading, Drainage and Erosion Control Plan," and stated that the intent of the proposed drainage plan is to match the flow that exists on site today. There is a high point located on the proposed driveway so that all drainage will remain on site. Soil testing was also done on site and the results showed that water levels are high, so infiltration of the drainage on site is not possible. There are also two proposed 24-inch retention pipes along the rear of the property, which will connect to an existing catch basin along Enfield Street. With these two 24-inch pipes, they are looking to hold the runoff on site and release it slowly.

Commissioner Duren asked if there was a reason for that, because he has some questions for later that pertain to that.

Ms. Locke stated that there was a reason for that, and that John Furman would explain it, and that it was mostly done because of the high water levels that they discovered when they completed soil testing on site.

Commissioner Duren asked if they realized they were on an aquifer.

Mr. Furman stated that they do realize that they are on an aquifer.

Ms. Locke stated that grading would be done so that all runoff would be contained on site. She then stated that a memo had been given to herself and the applicant upon arriving to the meeting that said there had been coordination with the Town of Longmeadow regarding this application, which she felt was great because the applicant and VHB have been coordinating with the Town of Longmeadow as well. She then changed the maps and pointed out where the state line between Massachusetts and Connecticut is, and where the property in question is. She also stated that there is a Pride gas station on the corner across the state line in Longmeadow, MA. They will eventually propose changes to the

driveways and on the site for the Pride gas station to improve the flow on site overall, and they look forward to working with the Town of Longmeadow on that. For the purpose of this application, the applicant is focusing on the Enfield site right now. There was a traffic memorandum prepared for the Enfield site which looked at the proposed café/bakery. The trip generation manual published by the Institute of Traffic Engineers was used to estimate the number of trips, or the amount of traffic, that the proposed site would generate during the peak traffic hours.

Commissioner Duren asked whether the traffic coming in and out of the gas station was considered in this as well.

Ms. Locke stated that she did not have those numbers currently, and that they were focusing only on Enfield right now and would focus on Longmeadow traffic impacts later.

Commissioner Duren stated by doing it that way the Commission is not getting the full picture.

Ms. Locke stated that they were trying to look at the full picture.

Mr. O'Brien stated that both municipalities should be looking at the same traffic study.

Ms. Locke stated that people shouldn't be worried about traffic with these types of land uses because the majority of people that use these sort of places are already on the road.

Commissioner Duren stated that the close proximity to the I-91 entrances and exits makes this unique because of the volume of traffic coming through the surrounding intersections.

Ms. Locke stated that she understand that, and that they understand that there will be interaction between the two sites. That is why they proposed to open the curb cuts between the sites so that people would stay off of the public roads when going from the gas station to the café. Pride gas station also has poorly defined curb cuts on site, which makes entrance and exit from the site confusing. They propose making exit only and entrance only curb cuts. The entrance only into Pride gas station would be from Enfield Street, and the exit only would be onto South Avenue.

Mr. O'Brien stated that the entrances and exits should be labeled to clarify which exits and entrances are being talked about.

Commissioner Duren stated that entrance A would be from South Avenue, entrance B would be the entrance from South Avenue that is closest to the corner of Enfield Street, entrance C would be the entrance at the intersection with Enfield Street and Booth Road, and entrance D would be the second entrance from Enfield Street that is not part of an intersection.

Commissioner DeGray stated that she had concerns regarding traffic because she has taken a left turn out of Booth Road onto Route 5 and it is like taking your life into your hands. At 5pm people are blocking lanes and not paying attention. She has seen accidents where kids have gotten hit. There is no way to cross that road safely. A really good look needs to be taken at the traffic flow in this area and it's got to be looked at with both sites in mind.

Ms. Locke stated that they will be looking at timing changes at the intersections and they have spoken to Longmeadow about it already.

Commissioner DeGray stated that road construction in Springfield is another issue causing a lot more traffic at that intersection.

Commissioner Duren stated that if you take a right out of South Avenue, there is a short red light before the entrance to the gas station and people go through it. The light coming out of Booth Road is also green. They should not be running at the same time.

Ms. Locke stated that the traffic light at Booth Road should be running with the traffic light at Pride. The traffic lights at South Avenue and Booth Road should be split phased.

Commissioner Duren asked about Longmeadow's suggestion to close a driveway into the Pride gas station.

Mr. O'Brien stated that the proposed entrance to be closed is entrance C.

Commissioner Duren asked how traffic would leave Booth Road.

Mr. O'Brien stated that Longmeadow also suggested a right-turn only exit out of entrance D, but ultimately it was decided that neither side had enough information regarding traffic.

Commissioner Duren suggested putting a stop light or a stop sign before or after entrance E to stop the traffic that turns onto Enfield Street from Booth Road.

Ms. Locke stated that the best way to deal with the Pride entrance from Booth Road would be keeping the entrance and the light.

Commissioner Drinan voiced some concern about entrance D being an entrance only lane when people would need to be turning left into the site from Enfield Street without a signal at the same time people from Booth Road have a green light to turn left on Enfield Street.

Ms. Locke pointed out that gas stations are often on busy roads because that is where the most business for them is, but this location is unique because there is the ability to control the traffic at the gas station using traffic lights. She stated that they are trying to make it work from a traffic standpoint and improve the current conditions.

Commissioner Duren stated that there is a lot of new development, including new condominiums and development in Longmeadow that is causing an increase in traffic on Booth Road and therefore the intersection of Booth Road, Pride gas station, and Enfield Street.

Ms. Locke stated that the next step would be to obtain new traffic counts because the current counts are a few years old. Then they would need to create a new traffic study combining the two sites into one.

Mr. O'Brien stated that one of the issues Longmeadow expressed is also how to prevent people from parking their cars at the gas pumps and walking over to the café/bakery, which would increase the already long queue for the pumps and potentially cause spillover onto Enfield Street. This is part of the reason why we need a comprehensive traffic study.

Mr. Furman stated that Longmeadow had expressed this concern to them and Mr. Bolduc addresses this by allowing his clerks to manage how the property is working and the pumps are running. The clerks are empowered to turn the

pumps on or off if they wanted to. They also have some ideas that involve signage to prevent people from parking their cars for extended periods of time.

Mr. Bolduc stated that he didn't think that people would walk that far, especially given the traffic conditions. He also knows that people would rather go through the drive thru. His clerks would also pay attention to the pumps and get on the intercom to inform people that they cannot leave their cars at the pump.

Commissioner Duren asked what the loading space was for.

Ms. Locke stated that the loading space would be for the delivery trucks for the café/bakery because no baking will be done on site. The deliveries would take place at around 3 or 4am.

Mr. Bolduc stated that the loading space is there because it is required by the zoning code, but that the space most likely would not be used.

Commissioner Duren asked whether it would make more sense to put it farther south on the other side of the entrance. There was an issue the other day with the tankers blocking the entrance to the gas station.

Mr. Bolduc stated that they would like to receive deliveries from tankers during the morning, evenings or nights but Longmeadow won't let them get deliveries any time other than normal operating hours. Neighbors have complained about the trucks even though Mr. Bolduc makes drivers turn the trucks off when they arrive and stay with the trucks.

Mr. Furman introduced himself to the Commission as the Managing Director of VHB and the Engineer of Record for this project. He asked what the questions regarding drainage were.

Commissioner Szewczak clarified that they wanted to drain everything from the café towards the west side of the building to catch basin 1. Then the plan is to drain everything from the café towards the east side to an existing basin along Enfield Street. Then the plan is to outlet other volume into the existing catch basin. So basically catch basin 1 will be flowing to the east and getting filled, while the existing catch basin is holding water. He asked whether the existing catch basin will ever overflow.

Mr. Furman stated that the drainage system is designed for a 100 year storm. The site has a certain amount of impervious area right now, and all the water goes towards one existing catch basin. The capacity going to the existing catch basin for the proposed café would be almost the same as previous capacity. The proposal is to utilize underground pipes to store water that will be easy to maintain and will not be unsightly. The groundwater on site is very high and the soil conditions are unfavorable for infiltration. The pipes will be set at the seasonal high groundwater level to keep them from popping out of the ground, and there will be four pipes to the existing catch basin. There is a very slight slope that goes toward a slow-release outlet to prevent downstream flooding.

Commissioner Duren asked what the reason for using this system was. He knows that some streets can't handle that water storage.

Mr. Furman stated that the goal was to maintain the flow of water so that the runoff wouldn't be greater than it was previously, which is a standard requirement for most municipalities and storm drainage requirements.

Commissioner Duren asked whether Connecticut Avenue could handle the runoff or not.

Mr. Furman stated that the reason for utilizing this system had nothing to do with Connecticut Avenue. The runoff from the proposed site could have impacted Connecticut Avenue or maybe it wouldn't have. The purpose of this design is to keep the amount of water in the drainage system at a smaller amount than the maximum amount of water it can handle at one time.

Commissioner Duren stated that there was a plume at one time coming from the gas station. When you dig for placement of these pipes or basins, will that have an impact on the groundwater, soil, or remediation?

Mr. Furman stated that the site was cleaned in the eyes of the Fire Marshal and DEEP, and they do not anticipate any impacts on the remediation of the site, but if they do encounter any contamination then they will take care of it.

Commissioner Szewczak stated that with the increase of impervious material and the increased traffic, he didn't see any gasoline control or collection. He asked whether there would be anything in place to separate the stormwater from the gas.

Mr. Furman stated that it can be done, and that they normally put an outlet hood on the basin that filters water from gas. He stated that he would check the details to ensure that the outlet hoods are incorporated.

Commissioner Duren stated that they always require clean out and inspection dates on the plans going forward.

Mr. Furman stated that those can be added.

Commissioner Ladd asked whether they would have to go before the Aquifer Protection Commission.

Mr. O'Brien stated that they may need to register with the Aquifer Protection Commission, but that may have to be researched.

Commissioner Duren stated that they can have a quick meeting.

Mr. O'Brien stated that applicants are usually required to register at one meeting and then the Commission would take it up at another meeting. This could be done while the plans are being revised.

Mr. Bolduc stated that the plume was from previous owner, and that Pride cleaned the rest of the contamination that was there. Pride did some site monitoring for two years after the cleanup. The site is perfectly clean now, and they would be willing to submit documentation attesting to that.

Commissioner Duren stated that if there were any mechanicals on the roof, then it is required that the mechanicals be screened in.

Mr. Bolduc stated that the mechanicals would be well protected.

Mr. Furman stated that the proposed roof would be a gabled roof so the mechanicals would all be hidden. There is a dormer on the back.

Commissioner Duren stated that the plans also show one table outside, and asked if there were only four seats outside.

Mr. Furman stated that the older plan shows two tables, but the newer site plan shows only one table because if there were more than four seats, then more parking would be required which they do not have room for.

Commissioner Duren stated that inside the plans show sixteen seats but no tables. He stated that the tables need to be shown on the plans as well. He also stated that he couldn't image one table and four chairs being suitable for outdoor dining in good weather.

Mr. Bolduc stated that he would like to have more than that but it would require more parking spaces which there isn't room for. He stated that in the future he would like to get a variance.

Commissioner Duren asked whether there would need to be a grease trap if there was no cooking taking place on site.

Mr. Bolduc stated that cooking was never going to take place on site, but the plans show a three bay sink, which requires a small grease trap.

Commissioner Drinan stated that he would like to see the comments made to the applicant from Longmeadow three weeks ago.

Mr. Bolduc stated that Longmeadow seemed quite happy with the presentation.

Mr. O'Brien stated that this development would benefit Enfield by removing underutilized buildings and replacing them with business. After meeting with Longmeadow, however, it was clear that they weren't completely happy with the plans. Longmeadow also indicated that there was talk about another gas pump lane at the gas station, which they said they would not approve. They did indicate a desire to work together to resolve the current issues, however.

Commissioner Lefakis asked whether coffee and baked goods were currently sold in the store associated with the gas station.

Mr. Bolduc stated that they do sell coffee and baked goods at the gas station.

Commissioner Lefakis asked whether that would continue.

Mr. Bolduc stated that it would, and hopefully that will also help keep people from parking their cars at the gas station and walking to the café.

Commissioner Duren asked whether there was a speaker system associated with the drive thru.

Mr. Bolduc stated that there is no outdoor speaker system, but the employees do use headsets and the decibels of sound that come from the headsets is smaller than the decibels of sound that come from the traffic on the adjacent roadways.

Commissioner Duren stated that at night when there is no traffic, then the sound of the headset system would be more audible depending on the hours of operation.

Commissioner Drinan stated that the hours of operation would be 6AM to 9PM.

Commissioner Falk stated that the hours of operation should be a condition of approval.

Commissioner Duren asked whether there were any further questions, or whether anyone from the public would like to speak. Nobody came forward.

Mr. O'Brien asked whether the applicant had applied for an encroachment certificate with the State of Connecticut yet.

Mr. Bolduc stated that he had, and that he is waiting for them to type their approval, which he should receive in the next couple weeks.

Mr. O'Brien asked to be copied on all e-mail with the Connecticut DOT.

Commissioner Duren closed the public hearing.

Commissioner Drinan made a motion, seconded by Commissioner Ladd, to continue the PH#2846 to September 15, 2016. The motion passed with a 7-0-0 vote.

6. New Business

- a. SPR# 1687 – Site plan application for installation of aboveground propane filling station located 481-483 Enfield Street; BG Zone (Business General) Map 033/Lot 0256; Frank Enterprises V, LLC, owner/ Carr Hardware, applicant. (DoR: 9/1/2016; MAD: 11/15/2016)

Bart Razor addressed the Commission as the principal at Carr Hardware located at 481 Enfield Street. Carr Hardware would like to install a 1,000 gallon propane tank on a concrete pad surrounded by a 22' x 10' foot fence. That would be 6 feet in height.

Mr. O'Brien stated that the fence can't be any more than six feet and that this application is pretty straight forward. He stated that he had discussed with the applicant the idea of moving the tank to the rear of the lot. The Fire Marshal's only requirement for placement of the tank is that it is 25 feet from the rear of the property. One issue that may arise with the new placement of the tank could be the ability of trucks to come in and out of the parking lot.

Commissioner Duren stated that administrative approval on placement of the tank can be granted as long as the applicant works with the Town engineer and Fire Marshal.

Commissioner Falk asked what the comments of the Fire Marshal were.

Mr. O'Brien stated that the Fire Marshal has no issues with the tank at this point but will need more information when the applicant actually applies for a building permit. The Fire Marshal stated he would be open to working with the applicant on placing the propane tank elsewhere on site.

Commissioner Falk asked whether the Fire Department needed to sign off before getting a building permit.

Mr. O'Brien stated that the application goes through Planning and Zoning first, then it goes to the Building Department where all departments review it again (fire marshal, engineering, planning and zoning) before a Building Permit is granted.

Commissioner Ladd asked what would be used for protective barriers around the tank.

Mr. Razor stated that on the plan around the fence there are bollards.

Commissioner Ladd asked what the diameter of the bollards are.

Mr. Razor stated that he was not sure, but that if there is a specific size that is required to comply with codes then they would conform to the regulation.

Commissioner Drinan noted that the drawing doesn't show bollards.

Mr. Razor stated that the site plan submitted as part of the application does show the bollards.

Commissioner Duren stated that the Commissioners do not have a site plan.

Mr. Razor presented the Commission with a copy of the site plan and stated that the propane tank location was chosen because that was the location of a previously existing propane tank. The tank would also be visible from the store in that location as well.

Commissioner Szewczak stated that the bollard size should be 6-8 inches in size because it is protecting an item and not a person, and that 8-inch bollards would be adequate.

Commissioner Drinan made a motion, seconded by Commissioner Falk, to approve SPR# 1687 with 20 conditions. The motion passed with a 7-0-0 vote.

Site specific conditions (to be met prior to signing plans):

1. The installation be moved to the rear of the lot.
2. Details for the proposed bollards will be added to the site plan.
3. A detail cross-section of the concrete slab will be added to the site plan.
4. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
5. The application number SPR# 1687 shall be displayed on the plans in or near the Title Block area.
6. A copy of the approval letter and conditions shall be made part of the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
7. A list outlining how any conditions of approval have been met shall be submitted along with final plans submitted for signature.
8. Four sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The signed Special Permit and mylars shall be recorded by the applicants and/or owners in the Land Records.
9. The Town Planner is granted the authority to approve the change in location of the propane tank with the advisement of the Town Engineer and the Fire Marshal.

10. The size of the bollards protecting the tank need to be 8-inches in size.

Applicant will submit:

11. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.

Standard Conditions:

12. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

13. This approval is for the specific uses, site, and structures identified in the application. Any change in the nature of the uses, site, or the structures will require new approvals from the Enfield Planning and Zoning Commission.

14. This project shall be constructed and maintained in accordance with the referenced plans.

15. This approval does not include signage.

16. A building permit for the construction of facilities as approved must be obtained by August 11, 2017 or this approval shall be rendered null and void, unless an extension is granted by the Commission.

17. All construction authorized by this approval shall be completed by August 11, 2021 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.

18. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

19. No Certificate of Occupancy or other final approval may be issued until the Planning office has signed off on the final work.

20. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

Commissioner Lefakis left the meeting, and Alternate Commissioner Szewczak sat for the absent commissioner.

Commissioner Falk made a motion, seconded by Commissioner Drinan, to make a motion to take items out of order. The motion passed with a 7-0-0 vote. The

Commission then heard the Administration Approvals under agenda number 14a and 14b.

7. Correspondence

Commissioner Duren stated that the Commission received a Plan of Conservation and Development for the Town of Windsor Locks. He also stated that the Commission received certified mail concerning the Montgomery Mills redevelopment concerning the mill at Warehouse Point in Windsor Locks along the canal. He had been there a few times this week and did not see anything taking place on site yet. He then stated that the Commission received the zoning practice on Marijuana Land Use, which now allows young people to use marijuana for medical reasons.

8. Commissioner's Correspondence

Commissioner Scutt stated that she has been receiving complaints from residents on Manning Road that the trucks are operating at hours that were not approved. The trucks are associated with Ashley's Furniture. She then asked what can be done to prevent these trucks from operating at hours that were not approved.

Mr. O'Brien stated that this has been an issue because there are two to three residents who are vocal about the trucks. When the Town Manager began working for the Town, he received daily phone calls from them. The Traffic Division also did speed surveys on that road. The report indicated that speeding from the trucks is not an issue. The road is being redone by the Town within the next 18 months and there has been discussion on installing electronic speed monitoring systems, which would cost about \$8,000. There are also ongoing conversations between the Police Department and the Department of Public Works regarding the inherent problem of an Industrial Park located at the end of a residential neighborhood.

9. Director of Planning Report

Mr. O'Brien addressed the Commission regarding a memo dated September 1st dealing with PH# 2832 – 90 Alden Avenue and the conditions of approval. There is an ongoing issue with the applicant as to whether or not the conditions of approval have been met. The concerns that were raised by Commissioner Mary Scutt at the February meeting were in regards to the site being on the Connecticut DEEP List of Contaminated Sites. This was information was not previously put forward in any of the previous documentation with the Commission. The project narrative stated that there was an existing unused underground tank that would be removed. The discussion at the February meeting revolved around the remediation of the tank. The applicant agreed to provide an appropriate soils report after the tank was removed.

A condition of approval was then added in a motion by Commissioner Scutt regarding the contaminated soils that required the applicant provide an appropriate soils report to the Planning Office. The discussion since then has been about the nature of the requested report. The Planning Office had suggested that the applicant consult with their Licensed Environmental Professional and that Mr. O'Brien would be happy to meet with them and discuss what an appropriate soils report would be. It was unknown at the time that there was already an existing Phase I Environmental Report for 90 Alden Avenue dated January 27, 2016. In late July the applicant made it known that the Phase I Environmental Report existed, and said that it could be submitted. The applicant then went to the Town Manager for help moving forward on the project, and Mr. O'Brien then suggested to the Town Manager that he require the Phase I Environmental Report be submitted. If the Phase I Environmental Report was only about issues pertaining to the oil tank, then maybe the Commission would be satisfied as long as the appropriate cleanup and documentation would take place once the tank was removed. The applicant then submitted the Phase I Environmental Report, and the Report raised the issue of groundwater contamination which may or may not be related to the oil tank. It was unclear whether the groundwater contamination would be taken care of with the removal of the oil tank or not. Because of this, the Commission Secretary made it clear that he was not comfortable signing the plans or the Special Permit. The Planning Office then reached out to Fire Marshal to see if the Fire Department had any authority to request groundwater sampling/monitoring. The Fire Marshal said that he believed that the Phase I recommendation needed to be done according to code. Mr. O'Brien then consulted with the State DEEP and gave them the Phase I Environmental Report. The Brownfields Remediation Unit concluded that the Phase I Environmental Report recommendations should be implemented, and that it would be in the best interest of the owner and everyone involved. DEEP stated that by not cleaning up the contaminated groundwater, the owner and the applicant both run the risk of being sued for liability in the future along with eventual enforcement by DEEP. There was a question regarding whether DEEP would actually enforce the cleanup given staff limitations. The Commissioner of DEEP does have the authority to enforce remediation. Mr. O'Brien also spoke with Maurice Hammel who is part of the DEEP Enforcement Division. Mr. Hammel stated that it is the burden of the Town to ensure that the site is safe and that at minimum DEEP would look for documentation that nobody would come in contact with the groundwater within 500 feet, and that there would be no vapors from the site that would cause harm to anyone. The first item could be ascertained from the Health Department and the Water Company as to whether anyone uses the groundwater from the site within 500 feet. The second item would need to be determined by the developer in terms of testing and monitoring the groundwater, and those reports would need to be provided. There are three

possible things the Commission could decide. The first is that the Phase I Environmental Report fulfills the condition because technically an appropriate report was filed. But then the report contains information that raises more questions. The second would be that the applicant needs to follow through with the recommendations of the Phase I Environmental Report, which would include groundwater sampling and monitoring. The third item that could be decided on is the installation of a groundwater monitoring system after the tank was pulled. There was previously a groundwater monitoring system in place on site, and there were groundwater monitoring test bits there that have become non-functional over the years. The reports also says that Tighe and Bond had recommended injecting a substance into the groundwater to take care of the contamination, but there is no record that it had ever been done. Another thing to keep in mind is what would happen if the applicant does not want to do anything. In that case, the Commission can say that the nature of the site has changed due to new information presented on the condition of the site. There is a condition of approval that states that if there were any new changes in condition or use of the site, then the applicant would need to come back before the Commission for new approvals. This discussion needs to take place because the Commission Secretary needs the guidance of the Commission as to how to proceed in regards to signing or not signing the plans, mylars, and Special Permit.

Commissioner Falk stated that he did not feel comfortable signing anything because the Commission was not informed of the groundwater contamination at the time of the approval and he is concerned about liability.

Commissioner Duren agreed with Peter and that there would be too much liability.

Commissioner Drinan stated that he agrees, and that he was concerned about the date of the Phase I Environmental Report which existed at the time of the approval, but it was never shared with the Commission.

Mr. O'Brien stated that in fairness to the applicant, the Phase I Environmental Report or any information pertaining to environmental contamination was never asked for. The Planning Department application should be changed in the future to include questions regarding environmental contamination.

Commissioner Scutt also stated that she was concerned about the date of the report because it is the job of the Planning and Zoning Commission to protect the health, welfare and safety of Enfield residents. She felt that the recommendations of the Phase I Environmental Report needed to be implemented.

Commissioner Ladd stated that we should send Mr. Bellock the meeting minutes so that he would remember the conversation he had with the Commission regarding the oil tank and the contamination on site.

Mr. O'Brien stated that Mr. Bellock had watched the video and told Mr. O'Brien that the only thing the Commission was concerned about was the oil tank. Mr. Bellock figured he would pull the tank out of the ground and file the appropriate reports and then proceed with the rest of the site improvements. Mr. O'Brien stated that Mr. Bellock had a report from a Licensed Environmental Professional, however, that stated that there was groundwater contamination on site that may or may not be from the oil tank, and the only way to know whether the contamination was from the oil tank is if there is more sampling and monitoring that takes place after the tank is pulled. The Commission needs to advise the Planning Staff on how to proceed, perhaps in the form of a motion that says that the only way to obtain a Certificate of Occupancy is if the recommendations of the Phase I Environmental Report are implemented and documentation is submitted attesting to that. If he doesn't want to implement the Phase I recommendations, then the Commission may need to ask the applicant to come back before the Commission with their application because new information became known about the condition of the site.

Commissioner Duren asked if the only way to do the testing would be to pull the tank first.

Mr. O'Brien stated that the tank would have to be pulled first. Mr. O'Brien had told the applicant that the concern of the Commission is that the property is on the DEEP list of contaminated sites. Mr. O'Brien also advised the applicant that the Commission wanted to make sure that there wasn't contamination elsewhere on the site, and that they should have an LEP take soil samples in areas that are not immediately near the oil tank. Mr. Bellock stated that the only thing that would do is prove that there is contamination there, which he would not be able to take care of until after the tank was pulled anyway. The question then becomes what would happen if he pulled the tank and then did not take the soil samples. The Town would not have the information necessary to provide a Certificate of Occupancy.

Commissioner Duren stated that the Commission would have to leave it to the applicant to do the soil sampling if he is given a Certificate of Occupancy after the tank is pulled.

Commissioner Drinan stated that his concern was where the soil samples would be taken from once the tank was removed, because the applicant can have samples pulled from around the tank only and then there is no further information on contamination on the rest of the site.

Commissioner Duren stated that this is a difficult situation because the health, welfare, and safety of the public is paramount. The Commission is unaware about whether there are any wells in that area as well.

Mr. O'Brien stated that he advised the applicant that if he felt the condition was unjust and unnecessary, then he could come back before the Commission to apply for a modification of the conditions of approval. The applicant declined to do that. This application also does not have any performance bond required, which is normally required for site restoration and landscaping. The only hook the Commission has at this point is signing off on the permit itself. The Commission would need to determine whether the conditions have been met. One thing the Commission can consider is a letter from the applicant stating that he will implement all of the Phase I Environmental Report. The permit can be signed and the building permit can be signed, but then the Certificate of Occupancy will not be given to him until there is documentation that all of Phase I was implemented.

Commissioner Drinan stated that he would like the specifics to indicate that groundwater sampling would take place throughout the site and not just around the tank. And that if they discover more contamination in the rest of the groundwater on the site, then he would need to clean that up as well.

Mr. O'Brien stated that there could be a provision stating that in order to get a Certificate of Occupancy, a performance bond would need to be put in place for long-term clean-up and monitoring if that is required.

Commissioner Drinan suggested that a letter be written and signed by the applicant and that the letter be signed and received by the Planning Department prior to the Commission Secretary signing the plans.

Mr. O'Brien stated that the applicant also has the option of participating in the DEEP Remediation Relief program as well as the DEEP Liability Relief program. It may also be helpful for the Commission to make a motion stating what they want to satisfy their conditions.

Commissioner Drinan made a motion to authorize the Town Planner, regarding PH# 2832, to draft a letter for the signature of the applicant that includes, among other things these four items:

1. The applicant will implement all the recommendations of the Phase I Environmental Report dated January 27, 2016 to include groundwater monitoring throughout the site as well as in and around the buried tank
2. If any groundwater contamination is detected, that it will be remediated appropriately according to DEEP standards
3. Before a Certificate of Occupancy is signed, the applicant submit a report from DEEP that any groundwater contamination is remediated.
4. If appropriate remediation requires a lengthy amount of time, and the applicant requests a CO before that is done, that the remaining amount of work be secured by a performance bond.

Commissioner Mary Scutt seconded the motion. The motion was approved with a 7-0-0 vote.

Mr. O'Brien continued with the Director of Planning Report and requested a possible special meeting for the approval of 25 Bacon Road's Phase II of development because they could not go to the Inland Wetlands and Watercourses Agency meeting on September 6th. The Phase II application is going to IWWA for the September 20th meeting, and the next Planning and Zoning Commission meeting is not until October. In the interest of working with the applicant to complete this project according to the timeline, the Planning Office would like to request a special meeting of the Planning and Zoning Commission to review the Phase II application on September 22nd.

Commissioner Duren stated that the special meeting can take place with only one item on the agenda, and that the Planning Director should send out the memo with the date, time, and location.

Commissioner Duren stated that food truck ordinance came through from the Town Council.

Commissioner Falk asked if Mr. O'Brien could draft some regulations for the Commission to review.

Commissioner Duren asked whether there was anything for approvals of coming attractions.

Mr. O'Brien stated the Mud Run is coming up and they had applied to change their hours. This requires a public hearing, so it will be advertised for the September 15th meeting. The Planning Office has received some calls this year from abutting property owners expressing concerns about that event.

10. Authorization for Administrative Approvals

- a. Site plan for installation of 10"X40' concrete pad for trash compactor TJ Maxx located at 10 Hazard Ave; Zone BR (Business Regional); Map# 56/Lot# 0022; Equity One (Brookside)LLC owner/TJ Maxx, applicant.

Mr. Rachele stated that this was a request for administrative approval for the construction of a 10' x 40' concrete pad for a trash compactor.

Commissioner Drinan made a motion, seconded by Commissioner Szewczak, to authorize the Town Planner to approve the construction of the 10' x 40' concrete pad for a trash compactor at the 10 Hazard Avenue TJ Maxx location. The motion passed with a 7-0-0 vote.

- b. SPR# 1511.02 – Site plan application for an installation of exterior dust collection system located 199 Moody Road; I-1 Zone (Industrial One); Map 099/Lot 0001; Tormain Realty, LLC, owner/Atlantic Woodcraft, Inc., applicant.

Mike St. Germaine from Atlantic Woodcraft addressed the Commission and explained that the Commission had approved the placement of an exterior dust collection system at Atlantic Woodcraft in 2010. He stated that the new Atlantic Woodcraft would now like approval to pour five pads in order to install a new exterior dust collection system that is compliant with current codes. The woodworking industry is getting a lot of pressure from OSHA, fire departments, and insurance companies to become compliant with things like sprinklers and dampeners to avoid fires and disasters. The new system would be bigger and would blow into a dumpster that is sealed and has sprinklers. Warm air from the dust collection system can be blown back into the building as a form of heat, but OSHA will not allow them to return the air from the old system because of the potential fire hazard it poses. The new system will have dampeners to prevent that the potential for fire to blow back into the building.

Commissioner Szewczak stated that the back of your building is 43 feet away from wetlands. He stated that the collector has to be 10 feet away from the building, and the dumpster is about 13 feet long. He asked if the applicant went to wetlands and whether they had to include erosion controls in their plans, especially if there was going to be excavation on site and the pouring of concrete pads.

Mr. St. Germaine stated that under the last application nothing was required for erosion controls, and that the new system is in the same buffered area.

Commissioner Szewczak asked whether everyone was aware that there are wetlands on site and in close proximity. He also stated that the new dust collection system is larger than the building on site in height, so there would need to be a crane to get it in there.

Mr. St. Germaine stated that the building is about 28 feet high.

Mr. O'Brien stated that soil and erosion controls are a pre-requisite for the building permit.

Commissioner Ladd asked whether there would be a pre-construction meeting.

Mr. O'Brien stated that there would be.

Mr. St. Germaine stated that part of the issue is that construction already started and that the unit is already erected. Construction stopped when they found out that approvals needed to come from Planning and Zoning to replace the old dust collection system. He stated that he thought the construction of an improved dust collector would be covered under existing permit.

Commissioner Ladd asked whether the pads have already been constructed.

Mr. St. Germaine stated that they were

Commissioner Drinan made a motion, seconded by Commissioner Ladd, to authorize administrative approval of SPR# 1511.02 with the consultation of necessary departments. The motion passed with a 7-0-0 vote.

- c. SPR #1479 – Site Plan Review – Change of Use and Exterior Renovations at 33-39 Pleasant Street; Thompsonville Village Zone (TV); Map 027/Lot 0002; Mark Dion owner/applicant.

Commissioner Drinan made a motion, seconded by Commissioner Scutt, to add SPR# 1479 to the agenda. The motion passed with a 7-0-0 vote.

Mr. O'Brien stated that this was blighted building that was approved to be renovated, but the owner did not complete the renovations in time. The As-Built Plans were

reviewed, and in order to approve the Certificate of Occupancy there needs to be an extension of the timeframe to complete work by in order to allow for the Certificate of Occupancy sign off.

Mark Dion, owner of 37 Pleasant Street, addressed the Commission and stated that he put in seven apartment units along with the new restaurant below. He has 6 apartment units occupied above and he wanted to open a restaurant below, which was approved. He got caught up in the renovation details and took too long to complete the project.

Commissioner Drinan made a motion, seconded by Commissioner Szewczak, to extend the construction time through to December 31st 2016. The motion passed with a 7-0-0 vote.

11. Applications To Be Received

110 Prospect Street – there is a pending application for an auto repair and sales use, among other things. The Planning Office is working with the applicant to narrow down what the property would be used for. This application will also go to an ART for a comprehensive review from other departments.

25 Bacon Road – there will be a special meeting to review Phase II.

496 Enfield Street – this is an unfinished liquor store that has siding that was never put on the building. There was a code action going on for about four years. The Fire Marshal, and the Building Inspector shut the liquor store down because of structural and safety issues.

Mr. Rachele stated that there were issues with the fire exits, there were bare wires hanging from the ceiling, there were no covers on the electrical boxes, and there were numerous items that the Fire and Building Departments had issues with.

Mr. O'Brien stated that Mr. Burns, who is the new project manager for the owner, came into the Planning Office requesting that three new windows be approved. He also shared with the Building Department that he would like to put apartments on the second floor. His application to the Planning Department said that he wanted to reorganize the office space on the second floor, but said nothing about putting in apartments. At the Zoning Board of Appeals, they said that he had to take the roof down to a meet height requirements. There are also many site plan and floor plan issues with the building, and that application is going to an ART meeting as well.

Commissioner Duren asked where the access point would be if they converted the second floor to housing?

Mr. Rachele stated that issue has to be addressed as well.

Mr. O'Brien stated that there is an outstanding code enforcement issue about the siding, and that the applicant won't side the building until the windows are approved because he doesn't want to cut holes into the siding for the windows later.

2 Middle Road – this applicant wants to put in a driving school near where the old Mobile Gas Station used to be. The space used to be used as an old audio location. This will be on the next meeting agenda.

Meetinghouse Road and Bridge Lane – someone bought the remaining 9 subdivided lots and would like to build new houses on them. They want to know what they have to do to start building on the lots.

Cammerotta Truck Parts also bought the Parker building located at 80 Shaker Road and would like to double the size of the building.

Niblick Road, located in the Industrial Park, is coming back before the Commission for approval to put an addition on their building.

12. Adjournment

Commissioner Falk made a motion, seconded by Commissioner Ladd, to adjourn. The motion passed with a 7-0-0 vote.

Note: Next Regular Meetings are Thursday, September 15, 2016 and Thursday, October 6, 2016.